

Amendment and Response

Applicant: Andrew Spencer

Serial No.: 10/689,244

Filed: Oct. 20, 2003

Docket No.: 10014282-1/H303.158.101

Title: SYSTEM AND METHOD FOR SETTING A CLOCK RATE OF A MEMORY CARD

REMARKS

The following remarks are made in response to the Office Action mailed April 17, 2006. Claims 1-36 were rejected. With this Response, claims 1, 2, and 19-22 have been amended. Claims 1-36 remain pending in the application and are presented for reconsideration and allowance.

Title

The Office Action indicated that the title is not descriptive. Applicant has amended the title to overcome this objection.

In the event that the title is not deemed acceptable by the Examiner, Applicant respectfully requests the Examiner to provide a suggested title.

Claim Rejections under 35 U.S.C. § 102

Claims 19, 20, 23, and 24 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,647,502 (Ohmori).

Claim 19 as amended recites, *inter alia*:

determining a first rate of transactions received by a buffer in a memory card;

setting a first clock signal of the memory card to a first clock rate that varies in dependence on the rate of transactions; and

providing the first clock signal to the buffer and a storage media in the memory card.

Ohmori does not teach or suggest “providing the first clock signal to the buffer and a storage media in the memory card” as recited in claim 19. Accordingly, Applicants respectfully submits that claim 19 patentably distinguishes over Ohmori for at least this reason.

Claims 20, 23, and 24 depend from claim 19 and are believed to patentably distinguish over the cited references for at least the above reasons. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 19, 20, 23, and 24 under 35 U.S.C. §102(e).

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Claim Rejections under 35 U.S.C. § 103

Claims 1-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,407,940 (Aizawa) in view of U.S. Patent No. 6,157,646 (Nichols).

Claim 1 as amended recites, *inter alia*:

a buffer configured to receive transactions;
a storage media;
a control circuit coupled to the buffer and the storage media; and
a processor system coupled to the control circuit;
wherein the processor system is configured to detect a rate of transactions received by the buffer, and wherein the control circuit is configured to cause a first clock signal to be provided to the buffer and the storage media at a first clock rate that varies in dependence on the detected rate of the transactions.

In order to set forth a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teaching. MPEP §§ 2143. In addition, the teaching or suggestion to make the claimed combination must be found in the prior art, not Applicant's disclosure. MPEP §§ 2143.

The Office Action sets forth the suggestion or motivation for combining the teachings of Aizawa and Nichols as "the specify teachings of Nichols stated above would improve the performance of Aizawa system adjusting the clock signal corresponding to a data transmission rate to reduce power consumption of the memory card." Office Action, p. 4. Applicant respectfully submits that this suggestion or motivation is drawn directly from Applicant's disclosure, see, e.g., Paragraph [0017], rather than from Aizawa, Nichols, or the knowledge of one of ordinary skill in the art. Accordingly, Applicant respectfully submits that the suggestion or motivation is not sufficient to set forth a *prima facie* case of obviousness because it is drawn directly from Applicant's disclosure.

In addition, the suggestion or motivation set forth in the Office Action amounts to hindsight reconstruction. Neither Aizawa nor Nichols teach or suggest the suggestion or motivation set forth in the Office Action. In addition, the suggestion or motivation set forth in the Office Action does not establish any knowledge of one of skill in the art that would be used to combine the references. Instead, the stated suggestion or motivation describes

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potential results (“improve the performance” and “reduce[d] power consumption”) that may be achieved after the references are combined. Accordingly, Applicant respectfully submits that the suggestion or motivation is not sufficient to set forth a *prima facie* case of obviousness because it amounts to hindsight reconstruction.

Applicant respectfully submits that claim 1 patentably distinguishes over Aizawa and Nichols for at least these reasons. Claims 2-9 depend from claim 1 and are believed to patentably distinguish over the cited references for at least the above reasons. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-9 under 35 U.S.C. §103(a).

Applicant respectfully submits that claims 10, 19, 28, and 33 patentably distinguish over the cited references for at least the reasons given above for claim 1. Claims 11-18 depend from claim 10, claims 20-27 depend from claim 19, claims 29-32 depend from claim 28, and claims 34-36 depend from claim 33 and are believed to patentably distinguish over the cited references for at least the above reasons. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 10-36 under 35 U.S.C. §103(a).

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-36 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-36 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant’s representative at the below-listed telephone numbers to facilitate prosecution of this application.

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Any inquiry regarding this Amendment and Response should be directed to either N. Rhys Merrett at Telephone No. (425) 402-4638, Facsimile No. (425) 489-9594 or Christopher P. Kosh at Telephone No. (512) 241-2403, Facsimile No. (512) 241-2409. In addition, all correspondence should continue to be directed to the following address:

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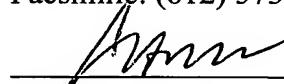
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of July, 2006.

By 
Name: Denyse Dauphinais